

**PLANNING AND ZONING BOARD  
NOVEMBER 22, 2006**

**1. ROLL CALL**

The meeting was called to order at 7:02 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, Philip Busey, John Stevens and Mimi Turin. Also present were Town Attorney Monroe Kiar, Planning and Zoning Manager Bruce Dell, Planner David Abramson, and Board Secretary Janet Gale recording the meeting.

**2. PLATS**

- 2.1 P 6-2-04, Davie Estates, vacant land at SW 58 Street and SW 61 Avenue between Stirling Road and Griffin Road (R-1)

Chair Bender advised that staff had requested a tabling of this item. Mr. Abramson indicated that a realistic date certain would be the first meeting in January.

Vice-Chair McLaughlin made a motion, seconded by Ms. Turin, to table to the first meeting in January [January 10, 2007]. In a voice vote, all voted in favor. **(Motion carried 5-0)**

- 2.2 P 3-1-06, Extra Care Animal Hospital, 950 South Flamingo Road (AG)

Bill Kalbach, representing the petitioner, was present.

Chair Bender asked Mr. Kalbach if he had any objections to hearing items 2.2 and 3.1 at the same time. Mr. Kalbach indicated that he had no objection; therefore, Mr. Abramson summarized the planning reports.

Mr. Busey disclosed that he had received a notification that this item would be presented although he was not within the notification boundary. It was determined that there was no problem.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair McLaughlin made a motion, seconded by Ms. Turin, to approve contingent upon changing the face of the plat that stated "FND PRM" at the southwest corner, the Survey of Record being "McLaughlin Associates." As there was no such company, it should have been "McLaughlin Engineering Company;" and subject to the staff's comments. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Mr. Stevens made a motion, seconded by Ms. Turin, to approve item 3.1. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

**3. PUBLIC HEARING**

*Flex*

- 3.1 FX 2-1-06, Thannum, 950 South Flamingo Road (AG)

This item was approved earlier in the meeting.

*Rezoning*

- 3.2 ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., Lauderdale Properties, Inc., 4701 and 4631 SW 73 Avenue (MH-10) **(tabled from November 8, 2006)**

Jay Evans and Frank Costoya, representing the petitioner, were present. Mr. Abramson read the planning report.

Mr. Busey asked about the list of concerns from neighboring homeowners which was not included in his packet. It was determined that the meeting would move forward while staff would try to locate the list which had been compiled during the public participation meetings. In the interim, Chair Bender indicated that if the list was not found, the Board would discuss and decide what it would do.

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Chair Bender asked if anyone wished to speak for or against this item.

Scott Cristle, 4633 SW 73 Avenue, was opposed as he believed it did not support Florida State Statutes as the rezoning did not submit a relocation “exit” plan. He explained the plan which regarded the impact of displacement on senior citizens, fixed and low income residents. Mr. Cristle cited other concerns regarding traffic, noise and pollution.

Frank Sowder, 4701 SW 73 Avenue, was opposed for the same reasons and because there were no other affordable living alternatives.

Joy Julian, 13710 NW 20 Street, was in favor of the rezoning and responded that an exit plan had been submitted. She advised that mobile homeowners would be fully compensated in the required amounts when the time came. Ms. Julian explained that the process had taken two years and when a date was certain, they would comply.

Naomi Bradbury, 4633 SW 73 Avenue, was a 24-year resident who was opposed. She spoke of the lack of compensation received by her neighbor when the neighbor sold her mobile home.

Sam Thankachen, 11881 NW 2 Street, was in favor as it would be an improvement to the community and was in line with the current zoning. He would not mind having an approval contingent upon an exit plan that was approved by the Town.

Mike Gillis, 7001 SW 49 Street, was opposed and spoke of a specific mobile homeowner’s dilemma which was typical of other residents who could not afford to go elsewhere.

Vincent Cieio, 4633 SW 73 Avenue, was opposed and in agreement with the other speakers who were opposed.

Mr. Costoya expressed that the affordable housing problem was a national issue; however, he believed that a property owner had the right to develop the property as the government and Code allowed. Mr. Costoya saw the issue as a “catch 22” since he would love to increase the density thereby reducing the prices of the units and making them affordable, but the Town would have to be flexible and “give a little too.”

As there were no other speakers, the public hearing was closed.

Mr. Evans referenced a memorandum composed by Housing and Community Development Director Shirley Taylor-Prakelt. In the memorandum Ms. Prakelt indicated that she had no objection to processing this request for a rezoning as long as it was predicated on the fact that the applicant must subsequently submit a “Final Exit/Relocation Plan” for the Ponderosa Mobile Home Park residents. Mr. Evans had no objections to the stipulation that any approval for rezoning would be contingent upon the items contained in the memorandum.

Mr. Stevens understood both sides of the issue and opted for the social obligation to help the elderly and low income residents. He was very concerned with what to do about the Town’s residents who could not afford another place to live if the Town was to get rid of their mobile homes. Mr. Stevens stated that personally, he would like to see developers providing “real” affordable housing even if it meant increasing density in specific areas of the Town which could handle the urbanization.

Chair Bender asked that it be clarified as to how many homes were presently on the subject property. It was stated that there were a total of 19 homes on lots nine and ten; however, the three lots could accommodate 30 homes and the developer was proposing to build 27 multi-family units. Chair Bender stated that when long-term residents of the Town were “pushed out,” it did a disservice to the Town.

Mr. Busey commented that although he did not believe that renting was a grant in perpetuity, “to approve this request would be wrong, wrong, wrong.”

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Ms. Turin agreed that a property owner had the right to develop the land to its greatest use; however, when it came to rezoning, there was a set criteria which had to be met. As the lots were not contiguous, the proposal would create isolated zoning districts for lots four, nine and ten. Also, she believed that the rezoning would have an adverse affect on the living conditions of the mobile homeowners residing in that community. Ms. Turin opined that based on these findings of fact, the developer would have difficulty obtaining this rezoning.

Mr. Busey made a motion, seconded by Mr. Stevens, to deny. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – no; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-1)**

**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

There was no old business discussed.

**6. COMMENTS AND/OR SUGGESTIONS**

Vice-Chair McLaughlin commented that he anticipated these rezoning requests for mobile home conversions would “keep coming back.” He believed that the State’s formulary to determine affordable housing was totally unrealistic, but also believed that the Town was not the one to resolve this social/political issue. Vice-Chair McLaughlin quoted a portion of Ms. Prakelt’s memorandum which pertained to an exit plan meeting State Statutes. He emphasized that this Board dealt with the Municipal Code and if a project needed approvals from another department according to State Statutes, it should be done prior to coming before this Board. Ms. Turin agreed and pointed out that the memorandum “spoke to approval” while this Board “only had recommendation power.”

Mr. Stevens explained his rationale regarding this request as he truly believed in the rights of a landowner to develop property within the Code; however, he was swayed in this case by the adverse impact it would have upon the community in his opinion. Mr. Stevens indicated that if the State Legislature was not willing to resolve the problem, and Broward County was not willing to resolve the problem, and the Town could not resolve the problem, then there may be a right under the Code to put a stop to it.

Mr. Stevens reiterated his concerns regarding the staff’s reports and staff’s insertions under Findings of Fact. He believed that the “is” and “is not” portion should be left blank and it should be up to the Board to insert that. Mr. Stevens contended that applicants would use the staff’s finding of fact as a legal argument against this Board and/or the Town Council.

Mr. Dell agreed that this was something that the staff had struggled with and tried to be as unbiased as was possible. Chair Bender recalled that in the past, staff would make a recommendation and that had come up in a litigation. Mr. Kiar advised that his office recommended that the staff’s recommendations be eliminated and Council changed the practice. The situation was discussed at length and Mr. Dell clarified what staff would recommend in the format of the reports.

The Board also discussed the State Statutes which required the “Exit/Relocation” report and it decided that this was not within its prevue as the report spoke to approval rather than recommendation. Also considered was the extent of the Town’s responsibility for the disabled, poor and aged residents on fixed incomes and who had been contributing to the Town for many years. Mr. Stevens again suggested that maybe the solution was in negotiating with developers to provide realistic affordable housing and that the Town needed to be willing to allow the higher density so that both sides would be satisfied. Mr. Dell agreed that density was the way, but it seemed to be a bad word sometimes.

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Mr. Busey figured that what was affordable housing today would become expensive tomorrow because of the law of supply and demand. Having said that, however, he agreed that the Town had an obligation to try to take care of the people that were already here.

Mr. Abramson asked the Board if it intended to meet on December 27th. It was the consensus of the Board to cancel the second meeting in December as there were Boardmembers who could not be present.

**7. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 8:45 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member